

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Frank Edward Johnson,

Civil No. 06-104 (DWF-JJG)

Petitioner,

v.

**ORDER ADOPTING THE
REPORT AND RECOMMENDATION**

State of Minnesota,

Respondent.

Frank Edward Johnson, *Pro Se*, Petitioner.

Kimberly R. Parker and Thomas R. Ragatz, Assistant Attorneys General, Minnesota
Attorney General's Office, counsel for Respondent.

This matter is before the Court upon Petitioner Frank Edward Johnson's
("Petitioner") objections to Magistrate Judge Jeanne J. Grahm's Report and
Recommendation dated September 6, 2006, recommending that the State's motion to
dismiss be granted and that Petitioner's petition for writ of habeas corpus under 28 U.S.C.
§ 2254 be denied.

The Court has conducted a *de novo* review of the record, including a review of the
arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local
Rule 72.1(c). The factual background for the above-entitled matter is clearly and precisely
set forth in the Report and Recommendation and is incorporated by reference for purposes
of Petitioner's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Petitioner Frank Edward Johnson's objections (Doc. No. 12) to Magistrate Judge Jeanne J. Graham's Report and Recommendation dated September 6, 2006, are **DENIED**.

2. Magistrate Judge Jeanne J. Graham's Report and Recommendation dated September 6, 2006 (Doc. No. 11), is **ADOPTED**.

3. The State's motion to dismiss (Doc. No. 5) is **GRANTED**.

4. Johnson's petition for writ of habeas corpus under 28 U.S.C. § 2254 (Doc. No. 1) is **DENIED**.

5. This matter is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 4, 2006

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court